

HOUSE BILL 800
CONSTITUTIONAL AMENDMENT

Unofficial Copy
P4

2004 Regular Session
4r0310

By: **Delegates Trueschler, Boteler, Frank, Leopold, McMillan, Montgomery,
Parker, and Sossi**

Introduced and read first time: February 6, 2004

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Salaries and Compensation - Governor, Lieutenant Governor, and General**
3 **Assembly**

4 FOR the purpose of prohibiting the Governor's Salary Commission from
5 recommending salaries for the Governor and Lieutenant Governor that are
6 greater than the current salaries increased by the lesser of certain percentages;
7 prohibiting the General Assembly Compensation Commission from
8 recommending compensation for members of the General Assembly that is
9 greater than the current compensation increased by the lesser of certain
10 percentages; submitting this amendment to the qualified voters of the State of
11 Maryland for their adoption or rejection; and generally relating to salaries and
12 compensation of the Governor, Lieutenant Governor, and the General Assembly.

13 BY proposing an amendment to the Maryland Constitution

14 Article II - Executive Department

15 Section 21A

16 BY proposing an amendment to the Maryland Constitution

17 Article III - Legislative Department

18 Section 15

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, (Three-fifths of all the members elected to each of the two Houses
21 concurring), That it be proposed that the Maryland Constitution read as follows:

22 **Article II - Executive Department**

23 21A.

24 (a) The salaries of the Governor and Lieutenant Governor shall be as provided
25 in this section.

26 (b) The Governor's Salary Commission is created. It consists of seven
27 members: The State Treasurer; three appointed by the President of the Senate; and

1 three appointed by the Speaker of the House of Delegates. Members of the General
2 Assembly and officers and employees of the State or a political subdivision of the
3 State are not eligible for appointment to the Commission. The members of the
4 Commission shall elect a member to be chairman, and the concurrence of at least five
5 members is required for any formal Commission action. The terms of members shall
6 be for 4 years, except that the persons first appointed to the Commission shall serve
7 from June 1, 1977 until May 31, 1980. The members of the Commission are eligible
8 for reappointment. Members shall serve without compensation but shall be
9 reimbursed for expenses incurred in carrying out responsibilities under this section.

10 (c) Within ten days after the commencement of the regular session of the
11 General Assembly in 1978, and within ten days after the commencement of the
12 regular session of the General Assembly each fourth year thereafter, the Commission
13 shall make a written recommendation to the Governor, Lieutenant Governor, and
14 other members of the General Assembly as to the salary of the Governor and
15 Lieutenant Governor.

16 (d) The recommendation shall be introduced as a joint resolution in each
17 House of the General Assembly not later than the fifteenth day of the session. The
18 General Assembly may amend the joint resolution to decrease the recommended
19 salaries, but may not amend the joint resolution to increase the recommended
20 salaries. If the General Assembly fails to adopt a joint resolution in accordance with
21 this section within 50 days after its introduction, the salaries recommended by the
22 Commission shall apply. If the General Assembly amends the joint resolution in
23 accordance with this section, the salaries specified in the joint resolution, as
24 amended, shall apply. If the Commission recommends no salary change, a joint
25 resolution shall not be introduced.

26 (e) The Commission may not recommend salaries lower than that received by
27 the incumbent Governor at the time the recommendation is made; and the General
28 Assembly may not amend the joint resolution to provide for salaries lower than that
29 received by the incumbent Governor and Lieutenant Governor.

30 (F) THE COMMISSION MAY NOT RECOMMEND SALARIES GREATER THAN THE
31 SALARY RECEIVED BY THE INCUMBENT GOVERNOR AT THE TIME THE
32 RECOMMENDATION IS MADE INCREASED BY THE LESSER OF:

33 (1) THE PERCENTAGE INCREASE IN THE AVERAGE ANNUAL PAY OF
34 MARYLAND PRIVATE SECTOR EMPLOYEES SINCE THE MOST RECENT SALARY
35 INCREASE FOR THE GOVERNOR, AS REPORTED BY THE BUREAU OF LABOR
36 STATISTICS OF THE UNITED STATES DEPARTMENT OF LABOR; AND

37 (2) THE AVERAGE PERCENTAGE INCREASE IN SALARIES OF STATE
38 EMPLOYEES SINCE THE MOST RECENT SALARY INCREASE FOR THE GOVERNOR.

39 [(f)] (G) A change in salary resulting from either Commission
40 recommendation or amended joint resolution under this section shall take effect at
41 the beginning of the next ensuing term of the Governor and Lieutenant Governor.

1 [(g)] (H) Commission inaction or failure of the Commission to meet the
2 requirements of this section with respect to proposing a change in salary for the
3 Governor and Lieutenant Governor shall result in no change in salary.

4

Article III - Legislative Department

5 15.

6 (1) The General Assembly may continue its session so long as in its judgment
7 the public interest may require, for a period not longer than ninety days in each year.
8 The ninety days shall be consecutive unless otherwise provided by law. The General
9 Assembly may extend its session beyond ninety days, but not exceeding an additional
10 thirty days, by resolution concurred in by a three-fifths vote of the membership in
11 each House. When the General Assembly is convened by Proclamation of the
12 Governor, the session shall not continue longer than thirty days, but no additional
13 compensation other than mileage and other allowances provided by law shall be paid
14 members of the General Assembly for special session.

15 (2) Any compensation and allowances paid to members of the General
16 Assembly shall be as established by a commission known as the General Assembly
17 Compensation Commission. The Commission shall consist of nine members, five of
18 whom shall be appointed by the Governor, two of whom shall be appointed by the
19 President of the Senate, and two of whom shall be appointed by the Speaker of the
20 House of Delegates. Members of the General Assembly and officers and employees of
21 the Government of the State of Maryland or of any county, city, or other governmental
22 unit of the State shall not be eligible for appointment to the Commission. Members of
23 the Commission shall be appointed for terms of four years commencing on June 1 of
24 each gubernatorial election year. Members of the Commission are eligible for
25 re-appointment. Any member of the Commission may be removed by the Governor
26 prior to the expiration of his term for official misconduct, incompetence, or neglect of
27 duty. The members shall serve without compensation but shall be reimbursed for
28 expenses incurred in carrying out their responsibilities under this section. Decisions
29 of the Commission must be concurred in by at least five members.

30 (3) Within 15 days after the beginning of the regular session of the General
31 Assembly in 1974 and within 15 days after the beginning of the regular session in
32 each fourth year thereafter, the Commission by formal resolution shall submit its
33 determinations for compensation and allowances to the General Assembly. The
34 General Assembly may reduce or reject, but shall not increase any item in the
35 resolution. The resolution, with any reductions that shall have been concurred in by
36 joint resolution of the General Assembly, shall take effect and have the force of law as
37 of the beginning of the term of office of the next General Assembly. Rates of
38 compensation and pensions shall be uniform for all members of the General Assembly,
39 except that the officers of the Senate and the House of Delegates may receive higher
40 compensation as determined by the General Assembly Compensation Commission.
41 The provisions of the Compensation Commission resolution shall continue in force
42 until superseded by any succeeding resolution.

1 (4) THE COMMISSION MAY NOT RECOMMEND COMPENSATION GREATER
2 THAN THE COMPENSATION RECEIVED BY INCUMBENT MEMBERS OF THE GENERAL
3 ASSEMBLY AT THE TIME THE RECOMMENDATION IS MADE INCREASED BY:

4 (I) THE PERCENTAGE INCREASE IN THE AVERAGE ANNUAL PAY OF
5 MARYLAND PRIVATE SECTOR EMPLOYEES SINCE THE MOST RECENT COMPENSATION
6 INCREASE FOR MEMBERS OF THE GENERAL ASSEMBLY, AS REPORTED BY THE
7 BUREAU OF LABOR STATISTICS OF THE UNITED STATES DEPARTMENT OF LABOR;
8 AND

9 (II) THE AVERAGE PERCENTAGE INCREASE IN SALARIES OF STATE
10 EMPLOYEES SINCE THE MOST RECENT COMPENSATION INCREASE FOR MEMBERS OF
11 THE GENERAL ASSEMBLY.

12 [(4)] (5) In no event shall the compensation and allowances be less than they
13 were prior to the establishment of the Compensation Commission.

14 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
15 determines that the amendment to the Maryland Constitution proposed by this Act
16 affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the
17 Maryland Constitution concerning local approval of constitutional amendments do
18 not apply.

19 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
20 proposed as an amendment to the Maryland Constitution shall be submitted to the
21 legal and qualified voters of this State at the next general election to be held in
22 November, 2004 for their adoption or rejection in pursuance of directions contained in
23 Article XIV of the Maryland Constitution. At that general election, the vote on this
24 proposed amendment to the Constitution shall be by ballot, and upon each ballot
25 there shall be printed the words "For the Constitutional Amendment" and "Against
26 the Constitutional Amendment," as now provided by law. Immediately after the
27 election, all returns shall be made to the Governor of the vote for and against the
28 proposed amendment, as directed by Article XIV of the Maryland Constitution, and
29 further proceedings had in accordance with Article XIV.